"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2010-2012."



छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 184] रायपुर, गुरुवार, दिनांक 19 जुलाई 2012—आषाढ़ 28, शक 1934

तकनीकी शिक्षा, जनशक्ति नियोजन, विज्ञान एवं प्रौद्योगिकी विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 7 जुलाई 2012

अधिसूचना

क्रमांक एफ 10-100/2012/वि. एवं प्रौ./42.—राज्य शासन एतद्द्वारा वैज्ञानिक और नवीकृत अनुसंधान अकादमी अधिनियम, 2011 के संबंध में भारत सरकार, विधि एवं न्याय मंत्रालय (विधायी कार्य विभाग) नई दिल्ली द्वारा भारत के राजपत्र, असाधारण भाग-II खण्ड-1 में प्रकाशित अधिसूचना संख्या 15, दिनांक 07 फरवरी, 2012 एवं विज्ञान और प्रौद्योगिकी मंत्रालय (वैज्ञानिक और औद्योगिक अनुसंधान विभाग) की उक्त अधिनियम को प्रवृत्त करने के संबंध में भारत के राजपत्र असाधारण भाग-II खण्ड-3-उपखण्ड-(ii) में प्रकाशित अधिसूचना क्रमांक का.आ. 709 (अ), दिनांक 2 अप्रैल, 2012 को पुनः प्रकाशित करता है.

Raipur, the 7th July 2012

NOTIFICATION

No. F 10-100/2012/SC. & Tech./42.—The State Government hereby republishes the notification of the Ministry of Law And Justice (Legislative Deptt) New Delhi From The Gazette of India Part-II Section-I published by authority No. 15 Date 07th February, 2012 and Ministry of Science and Technology (Department of Scientific & Industrial Research) above notification as published in Gazette of India Extraordinary Part-II Section-3 Sub-section (ii) vide notification No. 709 (a) date 2nd April, 2012.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अमृता बेक, उप-सचिव.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 7th February, 2012/Magha 18, 1933 (Saka)

The following Act of Parliament received the assent of the President on the 6th February, 2012, and is hereby published for general information :—

THE ACADEMY OF SCIENTIFIC AND INNOVATIVE RESEARCH ACT, 2011

(No. 13 of 2012)

[6th February, 2012.]

An Act to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of Scientific and Industrial Research and to declare the institution known as the Academy of Scientific and Innovative Research, to be an institution of national importance to provide for its incorporation and matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Academy of Scientific and Innovative Research Act, 2011.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, and in all Statutes and Ordinances made thereunder, unless the context otherwise requires,—

(*a*) "Academy" means the Academy of Scientific and Innovative Research established under sub-section (*1*) of section 3;

(*b*) "Board" means the Board of Governors of the Academy of Scientific and Innovative Research referred to in section 10;

(*c*) "Council of Scientific and Industrial Research" means a society registered by the name of the Council of Scientific and Industrial Research under the Societies Registration Act, 1860; 21 of 1860.

(*d*) "Chairperson" means the Chairperson of the Board appointed under section 12;

(*e*) "Chancellor" means the Chancellor of the Academy referred to in section 20;

(*f*) "Director" means the Director of the Academy appointed under section 22;

(*g*) "distinguished scientists" or "outstanding scientists" of the Council of Scientific and Industrial Research means scientists of the Council of Scientific and Industrial Research designated as such;

(*h*) "existing Academy" means the Academy of Scientific and Innovative Research established in pursuance of the Resolution of the Government of India in the Ministry of Science and Technology, Department of Scientific and Industrial Research, Council of Scientific and Industrial Research, *vide* No. 6/1/CSIR-AcSIR/2010-PPD, dated the 1st July, 2010;

(*i*) "Faculty of the Academy" means Academy Professors, Professors of Eminence, Distinguished Professors, Outstanding Professors, Senior Professors, Emeritus Professors, Professors, Associate Professors, Assistant Professors, visiting faculty, and such other persons as may be appointed for imparting instruction or conducting research in the Academy or institutions maintained by the Academy and includes the scientists of Council of Scientific and Industrial Research assigned for imparting instruction or conducting research;

(*j*) "notification" means a notification published in the Official Gazette;

(*k*) "Statutes and Ordinances" means the Statutes and the Ordinances of the Academy for the time being in force.

Establishment of Academy of Scientific and Innovative Research.

3. (*1*) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act an Academy to be called the "Academy of Scientific and Innovative Research" as a body corporate by such name.

(*2*) The headquarters of the Academy shall be at such place as the Central Government may, by notification, specify.

(*3*) The Academy may have such number of regional centres and campuses, as it may deem fit.

(*4*) The Academy shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall by that name, sue and be sued.

Objects of Academy.

4. (*1*) The objects of the Academy shall be to—

(*a*) disseminate advanced knowledge in science and technology, by providing teaching and research facilities in such branches of learning as it may deem fit, particularly in emerging areas and such areas as may emerge in future;

(*b*) undertake inter-disciplinary studies and research;

(*c*) conduct courses in, and integrate into its courses, inter-disciplinary and multi-disciplinary areas covering natural sciences, life sciences, mathematical and computational sciences, medical sciences, engineering, applied art, humanities, social sciences, law relating to these areas and interfaces thereof;

(*d*) take appropriate measures for innovations in teaching and learning processes;

(*e*) create an ambience for learning and scholarship in advanced science and technology instead of exclusively focusing on marks or grades;

(*f*) educate and train manpower in scientific and technological fields;

(*g*) establish linkages with industries in India and outside India for the promotion of science and technology;

(*h*) collaborate, in appropriate areas in the field of science and technology, with reputed universities and institutions in India or outside India;

(*i*) promote research in science and technology having a bearing on social, economic, cultural, intellectual and academic welfare of the people.

(*2*) The Academy shall primarily focus on research and imparting instruction in such areas as are not ordinarily taught in regular academic universities in India.

(*3*) The curricula, pedagogy and evaluation of the Academy shall be innovative and directed towards creating highest quality personnel with cross-disciplinary knowledge, aiming to provide leaders in the field of science and technology.

Relationship of Academy with Council of Scientific and Industrial Research.

5. (*1*) The Academy shall be, provided, or, allowed to use, the infrastructure and scientific manpower of the Council of Scientific and Industrial Research for teaching and research purposes for mutual benefit.

(*2*) The Academy, within two weeks of the commencement of this Act, shall, notwithstanding anything contained in any other Act, rules, regulations or bye-laws for the time being in force, enter into a Memorandum of Understanding with the Council of Scientific and Industrial Research, for the purposes of its affiliation with the Academy for the purposes of academics, teaching and award of degrees or diplomas, and, the persons pursuing the studies in the Council for award of any degree or diploma, after entering of such Memorandum of Understanding, be awarded degrees or diplomas by the said Academy:

Provided that any person pursuing any academic or research course, before the commencement of this Act, in the Council of Scientific and Industrial Research for award of any degree or diploma and registered for the said purpose with any other university, may, with the approval of the university with which such person is registered, migrate after such commencement to the Academy established under this Act and be registered with the said Academy for grant of the same degree or diploma by the Academy established under this Act and such person shall be deemed to have migrated and registered with the Academy established under this Act at the same level of study in the university from which such person migrated.

(*3*) Nothing contained in sub-section (*1*) or sub-section (*2*) shall be construed to affect the functions or powers of the Council of Scientific and Industrial Research, being discharged or exercised, before the commencement of this Act, by the Council or to affiliate with any other university or institution for the purposes of academics, teaching and award of degrees or diplomas or for any other purposes necessary for pursuing its objects.

Declaration of Academy as an institution of national importance.

6. It is hereby declared that the Academy of Scientific and Innovative Research shall be an institution of national importance.

7. (*1*) On and from the date of establishment of the Academy,—

Transfer of assets, liabilities, etc., of existing Academy to Academy established under this Act and other provisions, etc.

(*a*) any reference to the existing Academy in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Academy;

(*b*) all properties and assets, movable and immovable, of, or belonging to, the existing Academy, shall vest in the Academy;

(*c*) all rights and liabilities of the existing Academy shall be transferred to, and be the rights and liabilities of, the Academy;

(*d*) without prejudice to the provisions of clause (*c*), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Academy immediately before that date, for or in connection with the purpose of the said existing Academy shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Academy;

(*e*) all sums of money due to the existing Academy immediately before that date shall be deemed to be due to the Academy;

(*f*) all suits and other legal proceedings instituted or which could have been instituted by or against the existing Academy immediately before that date may be continued or may be instituted by or against the Academy;

(*g*) every employee (including those appointed for imparting instruction or conducting research in the existing Academy) holding any office under the existing Academy or teaching therein immediately before that date shall hold his office in the Academy or continue teaching therein by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Academy had not been established and shall continue to do so as an employee of the Academy or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Academy within such period.

(*2*) Any person pursuing any academic or research course, before the commencement of this Act, in the existing Academy for award of any degree or diploma or certificate shall be entitled to pursue such academic or research course after the establishment of the Academy under this Act and be registered with the said Academy for grant of the same degree or diploma or certificate by the Academy established under this Act and such person shall be deemed to have migrated and registered with the Academy established under this Act at the same level of study in the existing Academy from which such person migrated.

(*3*) Any person, who immediately before the commencement of this Act, had been awarded a degree or diploma or certificate for having qualified any course by the existing Academy, shall be entitled to award of equivalent degree or diploma by the Academy subject to approval by the Board of the Academy.

14 of 1947. (*4*) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the Academy in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

Functions and powers of Academy

8. (*1*) The Academy shall discharge its functions and exercise the following powers, namely:—

(*i*) to provide for instructions and conduct research in such branches of learning like natural sciences, life sciences, mathematical and computational sciences, medical sciences, engineering, applied art, humanities, social sciences, law relating to these areas and interfaces thereof, and in particular, in inter-disciplinary and multi-disciplinary areas of these branches, and in all such areas as may emerge in future and other emerging areas of knowledge, as the Academy may from time to time determine and make provision for advancement and dissemination of knowledge;

(*ii*) to lay administrative standards and structures and decide on all matters of creation of posts, laying down standards for recruitment, determining compensation packages, and contractual arrangements;

(*iii*) to design its curriculum and pedagogy for award of diplomas or certificates and confer degrees or other academic distinctions as it may deem fit;

(*iv*) to grant, subject to such conditions as the Academy may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of such methods of evaluation and to hold its examinations, as the Academy may, from time to time, determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(*v*) to frame Statutes and Ordinances and to alter, modify or rescind the same;

(*vi*) to organise and undertake extramural studies, training and extension services;

(*vii*) to confer honorary degrees or other distinctions;

(*viii*) to provide distance education in such branches of learning and to such persons as it may determine;

(*ix*) to institute professorships, associate professorships and assistant professorships including Academy Professors, Professors of Eminence, Distinguished Professors, Outstanding Professors, Senior Professors, Emeritus Professors, or visiting positions and other teaching or academic or other positions, required by the Academy and to make appointments to such positions;

(*x*) to appoint persons from any other university, or institution, or industry, or persons of eminence from appropriate fields of studies, including those outside the country, as Faculty of the Academy;

(*xi*) to create administrative, ministerial and other posts and to make appointments thereto;

(*xii*) to co-operate or collaborate or associate with any body including, any university or institution, or industry, located in India or outside India;

(*xiii*) to establish such centres and specialised laboratories or other units for research and instruction as may be required;

(*xiv*) to set up schools, centres and campuses and function therefrom or conduct classes from any place of its choice, including the premises of laboratories or other centres of the Council of Scientific and Industrial Research;

(*xv*) to institute and award fellowships, scholarships, studentships, medals and prizes;

(*xvi*) to conduct research, advisory and consultancy services with or for any entity, public or private, whether in India or outside India, which are in conformity with the spirit and object of the Academy;

(*xvii*) to engage scientists of the Council of Scientific and Industrial Research as Faculty in imparting instruction and conducting research in the Academy;

(*xviii*) to establish, maintain and manage institutions and hostels for residence of students or establish and maintain such institutions through the Council of Scientific and Industrial Research or any other body;

(*xix*) to fix, demand and receive payment of fees and other charges;

(*xx*) to determine the standards of admission to the Academy, which may include examination, other innovative models of testing or evaluation;

(*xxi*) to supervise the residences of the students of the Academy and to make arrangements for promoting their health, general welfare, cultural and corporate life;

(*xxii*) to lay down conditions of service for all categories of employees, including their code of conduct;

(*xxiii*) to regulate and enforce discipline, among the students and employees and to take such disciplinary measures in this regard as may be necessary;

(*xxiv*) to make arrangements for promoting the health and general welfare of the employees;

(*xxv*) to receive grants, benefactions, donations, gifts, bequests and transfer or acquire, hold and manage and dispose of any property movable or immovable, including trust and endowment properties for the purposes of the Academy:

Provided that no such grants, benefactions, donations, gifts, bequests and transfer shall be accepted by the Academy which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this Act;

(*xxvi*) to borrow, on the security of property of the Academy or otherwise, money for the purposes of the Academy or utilise its property for such purposes as are in conformity with the spirit and object of this Act;

(*xxvii*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(*2*) In exercising its powers referred to in sub-section (*1*), it shall be the endeavour of the Academy to maintain an all India character and high standards of teaching and research, and, the Academy shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(*i*) subject to the provisions of section 9, the admission of students shall be made on merit;

(*ii*) continuous evaluation or other innovative methods of evaluation and choice based credit system may be introduced and the Academy may enter into agreements with other universities and academic institutions in India or outside India for credit transfer and joint degree programmes;

(*iii*) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(*iv*) the imparting of instruction shall be, as far as may be, through use of modern techniques or technologies;

(*v*) the systems and structures of the Academy should be flexible to adapt to the requirements of multi-disciplinary and inter-disciplinary studies;

(*vi*) active participation of students may be ensured in governance of academic matters of the Academy.

Academy open to all castes, creed, race or class.

9. (1) The Academy shall be open to all persons, of either sex, irrespective of caste, creed, race or class, and it shall not be lawful for the Academy to adopt or impose on any person, any test whatsoever of religious belief or profession in order to be entitled to be appointed as a Faculty of the Academy or to hold any other office therein, or to be employed therein or to be admitted as a student in the Academy or to graduate thereat or to enjoy or exercise any privilege thereof.

(2) The Academy shall make special provision for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens and any exemption from making such reservation under the proviso to clause (*b*) of section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 shall not be applicable to the Academy: 5 of 2007.

Provided that no such special provision shall be made on the ground of domicile.

Authorities of Academy.

10. The following shall be the authorities of the Academy, namely:—

(*a*) The Board;

(*b*) Senate;

(*c*) Director;

(*d*) Boards of Studies;

(*e*) such other authorities as may be declared by the Statutes to be the authorities of the Academy.

Composition of Board of Governors.

11. (1) The Board referred to in clause (*a*) of section 10 shall consist of the following, namely:—

(*a*) the Chairperson of the Board, to be appointed under section 12;

(*b*) the Director-General of the Council of Scientific and Industrial Research,	*ex officio* Vice-Chairperson;
(*c*) the President of the Indian National Science Academy,	*ex officio* member;
(*d*) the Chairman, Atomic Energy Commission, Government of India,	*ex officio* member;
(*e*) the Chairman, Space Commission, Government of India,	*ex officio* member;
(*f*) the Chairman, University Grants Commission, Government of India,	*ex officio* member;
(*g*) the Finance Secretary in the Ministry of Finance, Government of India,	*ex officio* member;
(*h*) the heads of three premier institutions in the field of imparting education in Science and Technology,	members to be nominated under section 13;
(*i*) four distinguished scientists or academicians of global eminence, of which two should be from reputed institutions outside India,	members to be nominated under section 13;
(*j*) three eminent industrialists or technologists,	members to be nominated under section 13;

(*k*) four distinguished scientists or outstanding scientists or Directors of laboratories of Council of Scientific and Industrial Research, — members to be nominated under section 14;

(*l*) the Director of the Academy, — *ex officio* member.

(*2*) The Chairperson shall ordinarily preside over the meetings of the Board.

(*3*) The Board may evolve its own procedure for the purpose of conducting its meetings and transacting business therein.

(*4*) The Associate Director in charge of administration of the Academy shall be the Secretary of the Board.

Appointment of Chairperson.

12. (*1*) The Chairperson shall be appointed by the President of the Council of Scientific and Industrial Research, on the recommendation of the selection committee constituted under sub-section (*2*):

Provided that the Director-General of the Council of Scientific and Industrial Research, being the *ex officio* Vice-Chairperson, as referred to in clause (*b*) of sub-section (*1*) of section 11, shall act as the Chairperson until the first Chairperson is selected and appointed in accordance with the provisions of this Act:

Provided further that no person shall be selected and appointed as Chairperson unless such person is an Indian citizen.

(*2*) The selection committee referred to in sub-section (*1*) shall consist of four eminent scientists or technologists of international repute, as may be nominated by the President of the Council of Scientific and Industrial Research.

(*3*) At least two eminent scientists or technologists of international repute nominated under sub-section (*2*) shall be from the heads of international societies, academies, or similar organisations in the field of science and technology.

(*4*) The selection committee referred to in sub-section (*2*) shall—

(*a*) be constituted within six months before the completion of tenure of the incumbent as the Chairperson of the Board;

(*b*) submit its recommendation at least three months before the completion of the tenure of the incumbent Chairperson.

(*5*) The selection committee may evolve its own procedure for the purposes of meetings and making recommendations under sub-section (*1*) including making recommendations in respect of a person who has not applied for the post of Chairperson.

(*6*) Three members of the selection committee referred to in sub-section (*1*) shall form quorum for the meeting of the committee.

(*7*) The Chairperson shall exercise such other powers and perform such other functions as may be assigned to him by this Act or the Statutes.

Nomination of distinguished scientists or academicians of global eminence, eminent industrialists or technologists and heads of three premier institutions in the field of imparting education in science and technology.

13. The heads of three premier institutions in the field of imparting education in science and technology, referred to in clause (*h*), the distinguished scientists or academicians of global eminence referred to in clause (*i*), and eminent industrialists or technologists referred to in clause (*j*), of sub-section (*1*) of section 11, shall be nominated, by the President of the Council of Scientific and Industrial Research.

Nomination of distinguished scientists or outstanding scientists of Council of Scientific and Industrial Research or Directors of Council of Scientific and Industrial Research laboratories.

14. The nomination of distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research or Directors of Council of Scientific and Industrial Research laboratories, referred to in clause (*k*) of sub-section (*1*) of section 11 shall be made by the Governing body of the Council of Scientific and Industrial Research.

Allowances payable to members of Board.

15. The members of the Board shall be entitled to such allowances, if any, from the Academy, as may be provided for, in the Statutes but no member other than the Director of the Academy referred to in clause (*l*) of sub-section (*1*) of section 11, shall be entitled to any salary by reason of this section.

Terms of office of members of Board.

16. (*1*) Save as otherwise provided in this section, term of office of the Chairperson or any other nominated member of the Board shall be four years, being one term of the Board and they shall not be eligible to be re-appointed as Chairperson or nominated as a member, as the case may be.

Explanation I.— The period of term of office of the Chairperson or any other nominated member of the Board [other than *ex officio* Vice-Chairperson and *ex officio* members and nominated members under clause (*k*) of sub-section (*1*) of section 11] of the existing Academy shall be counted for the purposes of this sub-section.

Explanation II.—For the removal of doubt it is hereby declared that a person who held the office of a member shall not be eligible to be re-appointed as a member but may be appointed as the Chairperson in accordance with the provisions of this Act:

Provided that an outgoing member of the Board shall, unless or otherwise directed, continue in office until another person is appointed, or, as the case may be, nominated as a member in his place.

(*2*) In the event of vacancy in the office of the Chairperson, by reason of his death or resignation or otherwise, the Vice-Chairperson shall act as the Chairperson until a new Chairperson is appointed in accordance with the provisions of this Act to fill the vacancy and enter upon his office:

Provided that a person appointed due to a vacancy in the office of Chairperson under sub-section (*2*), shall be eligible to be appointed as Chairperson in accordance with the provisions of this Act only for one term in addition to the period for which he was appointed to fill the vacancy of Chairperson.

(*3*) In the event of vacancy in the office of a nominated member under clauses (*h*), (*i*), (*j*) and (*k*) of sub-section (*1*) of section 11 by reason of his death or resignation or otherwise, the vacancy shall be filled in accordance with the provisions of this Act:

Provided that a person nominated under sub-section (*1*) of section 11 due to a vacancy in the office of the member, such person shall be eligible to be nominated only for one term as member in accordance with the provisions of this Act, in addition to the period for which he was nominated to fill the vacancy.

(*4*) The term of office of an *ex officio* member shall continue as long as he holds the office by virtue of which he is a member.

(*5*) One-fourth of the members, being distinguished scientists or outstanding scientists or Directors of laboratories of the Council of Scientific and Industrial Research nominated under clause (*k*) of sub-section (*1*) of section 11 shall retire every year and new members shall be nominated in their place in accordance with the provisions of this Act:

Provided that, notwithstanding anything contained in this sub-section, the members, being distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research or Directors of the Council of Scientific and Industrial Research laboratories nominated under clause (*k*) of sub-section (*1*) of section 11, immediately after the commencement of this Act for the first time, may hold office for such period, as may be specified in their nomination and provisions of this sub-section shall not be applicable to such nominated members.

Powers of Board.

17. (*1*) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Academy and shall exercise all the powers of the Academy not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Board shall have the powers to—

(*a*) take decisions on questions of policy relating to the administration and working of the Academy;

(*b*) institute courses of study at the Academy;

(*c*) make Statutes;

(*d*) institute and appoint persons to academic as well as other posts in the Academy;

(*e*) consider and modify or cancel or rescind Ordinances;

(*f*) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Academy for the next financial year, together with a statement of its development plans;

(*g*) approve investments in infrastructure of the Academy in any land or building;

(*h*) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

(*3*) The Board shall also have the power to appoint such committees of one or more persons as it considers necessary for exercise of its powers and the performance of its duties and hold enquiries under this Act.

Senate.

18. (*1*) The Senate shall consist of the following, namely:—

(*a*) the Director, *ex officio*, who shall be the Chairperson of the Senate;

(*b*) all Associate Directors, *ex officio* members;

(*c*) all Deans of the Academy, *ex officio* members;

(*d*) two Professors from each area of study represented by the Boards of Studies of the Academy, as may be nominated by the Board, *ex officio* members;

(*e*) two scientists of the Council of Scientific and Industrial Research, who being the youngest in age; and recipient of Shanti Swaroop Bhatnagar Award; and who are also Faculty of the Academy, as may be nominated by the Director-General of the Council of Scientific and Industrial Research;

(*f*) two scientists of the Council of Scientific and Industrial Research, who being the youngest in age; and recipient of CSIR-Young Scientist Award; and who are Faculty of the Academy, as may be nominated by the Director-General of the Council of Scientific and Industrial Research;

(*g*) three Directors or distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research laboratories, nominated by its Director-General;

(*h*) three persons, not being the employees of the Academy or the Council of Scientific and Industrial Research, to be nominated by the Chancellor in consultation

with the Director from amongst educationists of repute, one being from each of the fields of science, engineering and social sciences;

~~(i) such other members of the staff as may be laid down in the Statutes.~~

(2) The tenure of the nominated members under clauses (d) to (h) of sub-section (1) shall be two years:

Provided that the Senate shall not, at any time, have less than fifty per cent. of its members from the Council of Scientific and Industrial Research scientists teaching in the Academy.

Powers of Senate.

19. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Academy shall have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examinations in the Academy and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes and Ordinances.

Chancellor of Academy.

20. (1) The Chairperson of the Board shall be the Chancellor of the Academy.

(2) The Chancellor shall ordinarily preside at the Convocations of the Academy.

Director of Academy.

21. The Director shall be the principal academic and executive officer of the Academy and shall be responsible for the administration of the Academy and imparting instruction, research and maintenance of discipline.

Appointment and duty of Director of Academy, etc.

22. (1) The Director shall be appointed, by the President of the Council of Scientific and Industrial Research, on the recommendation of the selection committee constituted under sub-section (2).

(2) The selection committee referred to in sub-section (1) shall consist of—

(a) the Chairperson of the Board;

(b) the Vice-Chairperson of the Board;

(c) the President of the Indian National Science Academy;

(d) the Chairman, Atomic Energy Commission, Government of India;

(e) the Chairman, Space Commission, Government of India.

(3) The selection committee referred to in sub-section (2) shall—

(a) be constituted within six months before the completion of te..ure of the incumbent as the Director;

(b) submit its recommendation at least three months before the completion of the tenure of the incumbent Director.

(4) The selection committee may evolve its own procedure for the purposes of meetings and making recommendations under sub-section (1) including making recommendations in respect of a person who has not applied for the post of Director.

(5) Three members of the selection committee referred to in sub-section (1) shall form quorum for the meeting of the committee:

Provided that no person shall be selected or nominated as Director unless such person is an Indian citizen.

(6) It shall be the duty of the Director that the decisions taken by the Board are implemented.

(7) The Director shall submit an annual report and accounts of the Acad y to the Board.

(8) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or the Ordinances.

(9) The term of the Director shall be five years.

Associate Directors.

23. (1) The Associate Directors of the Academy shall, be appointed by the Director with the approval of the Board, from amongst Professors of the Academy or scientists of the Council of Scientific and Industrial Research engaged in academic activity in the Academy, for such period, and on such terms and conditions, as may be laid down by the Statutes, and, shall exercise such powers and perform such duties as may be assigned to them by this Act or the Statutes or by the Director.

(2) The Board may assign any other designation for the Associate Directors, for the purpose of administrative convenience or academic efficiency.

Powers of other authorities.

24. (1) The constitution and powers of Board of Studies shall be such as may be provided in the Statutes.

(2) The powers, including the financial powers and duties of authorities, officers and other functionaries of the Academy shall be as provided by the Statutes

Funds of Academy.

25. (1) The Academy shall maintain and retain a fund to which shall be credited—

(a) all fees (including tuition fees) and other charges received by the Academy;

(b) all monies received by the Academy by way of grants, gifts, donations, benefactions, bequests or transfers;

(c) monies for projects undertaken by the Academy;

(d) income from investment made by the Academy or from any other source;

(e) the funds received from the Council of Scientific and Industrial Research, by way of loan or otherwise;

(f) all monies received by the Academy in any other manner or from any other source.

(2) All monies credited to the fund of the Academy shall be deposited in such banks or invested in such manner as the Academy may, with the approval of the Board, decide.

(3) The fund shall be applied for meeting,—

(a) the salaries, allowances and other remuneration of the Chairperson, members of the Board or Faculty, officers and other employees or members of the committees set up by the Academy;

(b) the expenses of the Academy in the discharge of its functions or exercise of its powers under section 8;

(c) the expenses on objects of, and for purposes authorised by, this Act.

(4) All expenditure of the Academy shall be within the framework of a budget approved by the Board.

Accounts.

26. (1) The Academy shall maintain proper and separate accounts giving therein the details of all receipts in, and, expenditure from, such fund and other relevant particulars.

(2) The accounts referred to in sub-section (1) shall be prepared and got audited before the expiry of six months from the end of each financial year.

(3) The Academy shall submit to the Board and the Council of Scientific and Industrial Research, the accounts referred to in sub-section (1) duly audited under section 27 and signed by the Director, Associate Director in charge of Finance and Associate Director in charge of Administration.

(4) The Council of Scientific and Industrial Research referred to in sub-section (3), the Board and any other person appointed by them in connection with the audit of the accounts of the Academy shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Academy.

Audit of accounts and its publication.

27. (1) The accounts of the Academy shall, without prejudice to the provisions contained in the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, be audited by auditors who may be appointed by the Board for the term of one year and such auditors shall be eligible for re-appointment. 56 of 1971.

(2) No person shall be eligible to be appointed as an auditor under sub-section (1) unless he is a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949, and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act. 38 of 1949.

(3) The accounts of the Academy shall, after the completion of the audit under sub-section (1) and submission thereof to the Board and the Council of Scientific and Industrial Research be published on the website of the Academy.

Statutes.

28. (1) The Statutes of the Academy shall be enacted by the Board.

(2) Without prejudice to the provisions contained in sub-section (1), the Senate may make recommendations for enactment of Statutes to the Board.

(3) The Board may, from time to time, make new Statutes or may amend or repeal or rescind the Statutes with effect from such date as it may direct.

Matters to be provided by Statutes.

29. Subject to the provisions of this Act, the Statutes may provide for all or any of the matters considered necessary by the Board for functioning of the Academy within the framework of this Act, including the following matters, namely:—

(a) the conferment of degrees and diplomas;

(b) the constitution, powers and functions of the Board of Studies;

(c) the tuition fee and other fees to be charged;

(d) the institution of fellowships, scholarships, medals and prizes;

(e) the term of office and the method of appointment of officers of the Academy;

(f) the qualification of Faculty of the Academy (other than the scientists of the Council of Scientific and Industrial Research engaged in the service of the Academy), officers and other staff of Academy:

Provided that the scientists of the Council of Scientific and Industrial Research engaged in the service of the Academy shall be governed by the qualifications specified by the Council and nothing contained in this Act shall be construed to disqualify them from undertaking the service of the Academy or engaging them as Faculty of the Academy;

(g) the classification, the method of appointment and the determination of the terms and conditions of service of Faculty, officers and other staff of the Academy;

(h) the provision of insurance fund, provident fund and other retirement benefits, for the benefit of the Faculty, officers and other staff of the Academy;

(i) the constitution, powers and duties of authorities of the Academy;

(j) the establishment and maintenance of hostels;

(k) the conditions of residence of students of the Academy and the levying of fees for residence in the hostels and of other charges;

(*l*) the allowances to be paid to the Chairperson and other members of the Board and any committee constituted by the Academy;

(*m*) the meetings of the Board, the Senate, or any committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(*n*) any other matter which may be required or necessary for the purposes of this Act.

Ordinances.

30. (*1*) Subject to the provisions of this Act and the Statutes, the Ordinances of the Academy may provide for all or any of the following matters, namely:—

(*a*) the admission of the students;

(*b*) the courses of study;

(*c*) the conditions under which students shall be admitted and shall be eligible for degrees, diplomas and certificates and to the examinations of the Academy, and shall be eligible for the degrees, diplomas and certificates;

(*d*) the conditions of award of the fellowships, scholarships, medals and prizes;

(*e*) the condition and mode of appointment and duties of examining bodies, examiners and moderators;

(*f*) the conduct of examinations;

(*g*) the maintenance of discipline among students of the Academy;

(*h*) any other matter which by this Act or the Statute, is to be, or, may be, provided for by the Ordinances.

(*2*) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(*3*) All Ordinances made by the Senate shall have the effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board in its subsequent meeting.

(*4*) The Board shall have the power by resolution to modify or cancel or rescind any of the Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled or rescinded, as the case may be.

Review of functioning of Academy.

31. (*1*) There shall be a review of the functioning of the Academy once in every four years by persons of eminence to be appointed by the Council of Scientific and Industrial Research.

(*2*) The Academy shall meet the expenses for conducting the review under sub-section (*1*) and upon receipt of the report of such review, the Board may take appropriate action.

(*3*) In addition to the review under sub-section (*1*), the Board may conduct review of functioning of administrative and academic wings of the Academy, in such manner and at such intervals, as may be provided in the Statutes.

Appointments.

32. All appointments of the staff of the Academy (except appointment of the Director), shall be made in accordance with the procedure laid down in the Statute, by—

(*a*) the Board for the academic staff;

(*b*) the Director, in any other case.

Conditions of service.

33. (*1*) Every employee of the Academy shall be appointed on contractual basis under a written contract, which shall be lodged with the Academy and a copy of which shall be furnished to the employee concerned.

Provided that all scientists and other employees of the Council of Scientific and Industrial Research engaged in the service of the Academy shall be governed by the service conditions, rules and regulations of the Council of Scientific and Industrial Research.

(2) The Academy shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Academy:

Provided that the scientists of the Council of Scientific and Industrial Research—

(a) engaged in the service of the Academy; and

(b) who draw their salary from the Council,

shall be eligible for such allowances or honorarium, as may be determined by the Statute.

Arbitration.

34. (1) Any dispute arising out of a contract between the Academy and any of its employees shall, at the request of the employee concerned or at the instance of the Academy, be referred to a Tribunal of Arbitration consisting of one member appointed by the Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the presiding arbitrator.

(2) The arbitration under sub-section (1) shall be governed by the Arbitration and Conciliation Act, 1996. 26 of 1996.

Resignation, removal and suspension of Chairperson and other Members or Director.

35. (1) The Chairperson or any Member of the Board other than *ex officio* Members of the Board or Director may, by notice in writing under his hand addressed to the President of the Council of Scientific and Industrial Research, resign his office:

Provided that the Chairperson or such Member or Director shall, unless he is permitted by the President of the Council of Scientific and Industrial Research to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The President of the Council of Scientific and Industrial Research may remove from office the Chairperson or any Member of the Board or the Director, who—

(a) has been adjudged an insolvent; or

(b) being the Director has engaged at any time, during his term of office, in any paid employment; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has become physically or mentally incapable of acting as such Chairperson or Member or Director; or

(e) is of unsound mind and stands so declared by a competent court; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or Member or Director; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(h) has been guilty of proved misbehaviour; or

(i) has such other disqualifications as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Board or the Director shall not be removed from his office on the grounds specified in clause (f) or clause (g) or clause (h) of sub-section (1), except by an order made by the President of the Council of Scientific and Industrial Research after an inquiry made in this behalf in which such Chairperson or Member or Director has been informed of the

charges against him and given a reasonable opportunity of being heard in respect of those charges.

(4) In the event of inquiry instituted under sub-section (2), the President of the Council of Scientific and Industrial Research may suspend such Chairperson or Member or Director against whom inquiry has been instituted for a period not exceeding six months if it is considered necessary in public interest.

(5) The President of the Council of Scientific and Industrial Research may, by rules, regulate the procedure for the inquiry referred to in sub-section (2).

(6) In case any nominated member under clause (k) of sub-section (1) of section 11 in the Board incurs any of the disqualifications under clauses (a) to (i) of sub-section (1), such nominated member shall not be eligible to be nominated as such and his nomination as nominated member shall be revoked by those who nominated such member.

Meetings.

36. The meetings of the Board, Senate, or other committees constituted by the Academy may be held using contemporary tools of information and communication technologies (including video-conferencing) without the members necessarily having to be physically present.

Vacancies, etc. not to invalidate acts or proceedings of Board, Academy or any other body.

37. No act of the Board or the Academy or any other body set up under this Act or the Statutes, shall be invalid merely by reason of –

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the selection, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

Power to remove difficulties.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

V. K. BHASIN,
Secy. to the Govt. of India.

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विज्ञान और प्रौद्योगिकी मंत्रालय

(वैज्ञानिक और औद्योगिक अनुसंधान विभाग)

अधिसूचना

नई दिल्ली, 2 अप्रैल, 2012

का.आ. 709(अ).—केन्द्रीय सरकार, वैज्ञानिक और नवीकृत अनुसंधान अकादमी अधिनियम, 2011 (2012 का 13) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 3 अप्रैल, 2012 को उस तारीख के रूप में नियत करती है जिसको वैज्ञानिक और नवीकृत अनुसंधान अकादमी अधिनियम, 2011 के सभी उपबंध [धारा 5 की उप-धारा (2) के सिवाय] प्रवृत्त होंगे ।

[फा. सं. ए-11019/01/2012-स्था.]

प्रो. समीर के. ब्रह्मचारी, सचिव

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Scientific and Industrial Research)

NOTIFICATION

New Delhi, the 2nd April, 2012

S.O. 709(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Academy of Scientific and Innovative Research Act, 2011 (13 of 2012), the Central Government hereby appoints the 3rd day of April, 2012, as the date on which all the provisions [except sub-section (2) of Section 5] of the Academy of Scientific and Innovative Research Act, 2011 shall come into force.

[F. No. A-11019/01/2012-Estt.]

Prof. SAMIR K. BRAHMACHARI, Secy.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2012.